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Total Number of Pages in This Submission

23

Application Number	10/607,530
Filing Date	June 26, 2003
First Named Inventor	DUNNING, Laura et al.
Art Unit	1623
Examiner Name	Paul V. Ward

Attorney Docket Number 53001AUSM1

ENCLOSURES (Check all that apply)

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Remarks		
This response to restriction requirement is being submitted to the USPTO centralized facsimile number of (571) 273-3250. <u>8300</u> .		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	BERLEX BIOSCIENCES		
Signature	<u>Jacqueline S. Larson</u>		
Printed name	Jacqueline S. Larson		
Date	Aug. 8, 2005	Reg. No.	30,279

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Aug. 8, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mary Ann Flores

Docket No. 53001AUSM1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Laura DUNNING et al.

Serial No. 10/607,530

: Group Art Unit 1623

Filed 06/26/2003

: Examiner Paul V. WARD

For: SUBSTITUTED QUINOLINE CCR5 RECEPTOR ANTAGONISTS

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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

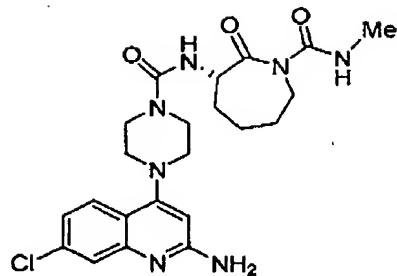
In response to the restriction requirement mailed July 13, 2005, Applicants elect the invention of Group I, that is the compounds of Formula 1a/2a where n = 0, subject to the right to rejoin the non-elected method claims corresponding thereto under appropriate conditions. Applicants further reserve the right to file subsequent divisional applications on any non-elected subject matter.

Applicants wish to point out that the claims listed as falling under each of several of the Invention Groups are incorrect as stated in the Office Action of July 13. Specifically, claim 1 claims a method and not a compound. Thus, more correctly, Groups I-VII should be according to claim 8 rather than to claim 1, and Groups VIII-XIV should be according to claims 1 and 20-22.

Claims 8-19 read on the elected invention.

Applicants elect the following species for search purposes:

Docket No. 53001AUSM1



That is, a compound of formula 2a where m is zero, R¹ is amino, R² is halo, R³ is hydrogen, R⁴ is hydrogen, R⁵ is -C(O)NHR⁹, and R⁹ is optionally substituted heterocyclil.

Upon allowance of a generic claim, Applicants respectfully request consideration of claims to additional species that include all the limitations of the allowed generic claim, as well as rejoinder of the method claims that include all the limitations of the allowed compound claims pursuant to MPEP §821.04 and In re Ochiai (37 USPQ 1127 (Fed. Cir. 1995)).

Respectfully submitted,

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Registration No. 30279

Date: Aug. 8, 2005

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